

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/787,073	02/24/2004	Michael T. Carley	701879.4013

34313
 ORRICK, HERRINGTON & SUTCLIFFE, LLP
 4 PARK PLAZA
 SUITE 1600
 IRVINE, CA 92614-2558

CONFIRMATION NO. 9513

FORMALITIES LETTER



OC000000012696393

Date Mailed: 05/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/24/2004 JBALINAN 00000066 150665 10787073

01 FC:1001 770.00 DA
 02 FC:1202 54.00 DA
 03 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1a - 1c, 3a, 4.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$54** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

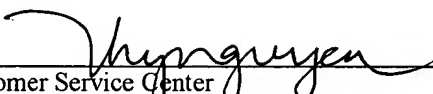
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$954** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$54**
 - **\$54** for **3** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/787,073 Confirmation No.: 9513
Applicant : Michael Carley et al.
Filing Date : February 24, 2004
Title : Closure Device
Group Art Unit : Not Yet Assigned
Examiner : Not Yet Assigned
Docket No. : 701879..4013
Customer No. : 34313

Commissioner For Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF MISSING PARTS

Sir:

1. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION**

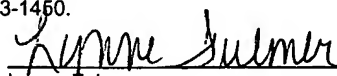
UNDER 37 CFR § 1.53(f), which was mailed by the Patent Office on 05/18/2004,
enclosed are:

- ☒ Declaration, accompanied by Death Certificate
- ☐ Power of Attorney: ☐ Separate or ☐ Combined with Declaration
- ☐ Assignment of the invention to _____ (together with
PTO Form 1595)
- ☐ Statement Under 37 CFR § 3.73(b)
- ☐ Formal Drawings (____ pgs)

CERTIFICATE OF MAILING
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Missing Parts, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 20, 2004


Lynne Fulmer

DOCSOC1:155160.1
701879-4013 J2G

09/24/2004 JBALINAN 00000066 150665 10787073

04 FC:1252

420.00 DA

Applicant : Michael Carley et al.
 Appl. No. : 10/787,073
 Examiner : Not Yet Assigned
 Docket No. : 701879.4013

☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

☒ Return Postcard

2. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR

§ 1.136 apply.

☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input checked="" type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00

Fee \$0.00

☒ If any extension fee is required, please consider this a petition therefor.

3. FILING FEES

☐ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE: PREVIOUSLY PAID					\$770.00
Total Claims –	23	- 20 = 3	x \$18.00		\$54.00
Independent Claims – Previously Paid	2	- 3 = 0	x \$86.00		\$0.00
Multiple Dependent Claims	\$290	(if applicable)	<input type="checkbox"/>		\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	<input checked="" type="checkbox"/>		\$130.00
TOTAL OF ABOVE CALCULATIONS					
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. <input type="checkbox"/>					\$954.00
Extension of Time (from above)					420.00
Assignment -- \$40 (if applicable) <input checked="" type="checkbox"/>					
TOTAL FEES SUBMITTED HERewith					\$1374.00

Applicant : Michael Carley et al.
Appl. No. : 10/787,073
Examiner : Not Yet Assigned
Docket No. : 701879.4013


4. Method of Payment of fees:

- ☐ A check in the amount of \$_____ is enclosed to cover the above fee(s).
- ☒ Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$1374.00**.
- ☒ The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: September 20, 2004

By: 
James W. Geriak
Reg. No. 20, 223

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